

Opportunities to Improve the Legal System's Response to Domestic Violence Abusers' Access to Firearms in Connecticut

Presented By :

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Judges

The **Why**: Scope of the Problem

- Perpetrator's access to firearms =
One of the greatest risk factors for intimate partner homicide; firearms cause the greatest harm (Campbell et al., American Journal of Public Health, 2003)
- Compared to homes without guns, presence of firearms creates:
 - 8-fold** increased homicide risk when offender is an intimate partner of the victim
 - 20-fold** increase when there is a prior history of violence
(N.E. Journal of Medicine)

The **Why**: Scope of the Problem

- Firearms are the weapon of choice for those committing DV homicides:
 - 1980-2008: a firearm was used to commit **more than 2/3** of intimate partner homicides in which a female spouse or ex-spouse was killed
 - For each of those years, more intimate partner femicides were committed with guns than with **all other weapons combined**
 - 2014: 56.9%
 - 2017: 60.6%

The **Why**: Scope of the Problem

Non-lethal use: Coercive Control

“Guns can be lethal quickly and displaying or threatening an intimate partner with a gun can convey a particularly pernicious threat, elicit compliance, and create extreme fear. All are hallmarks of coercive control.”

Sorenson & Schut (2018)

Risks to Communities and First Responders

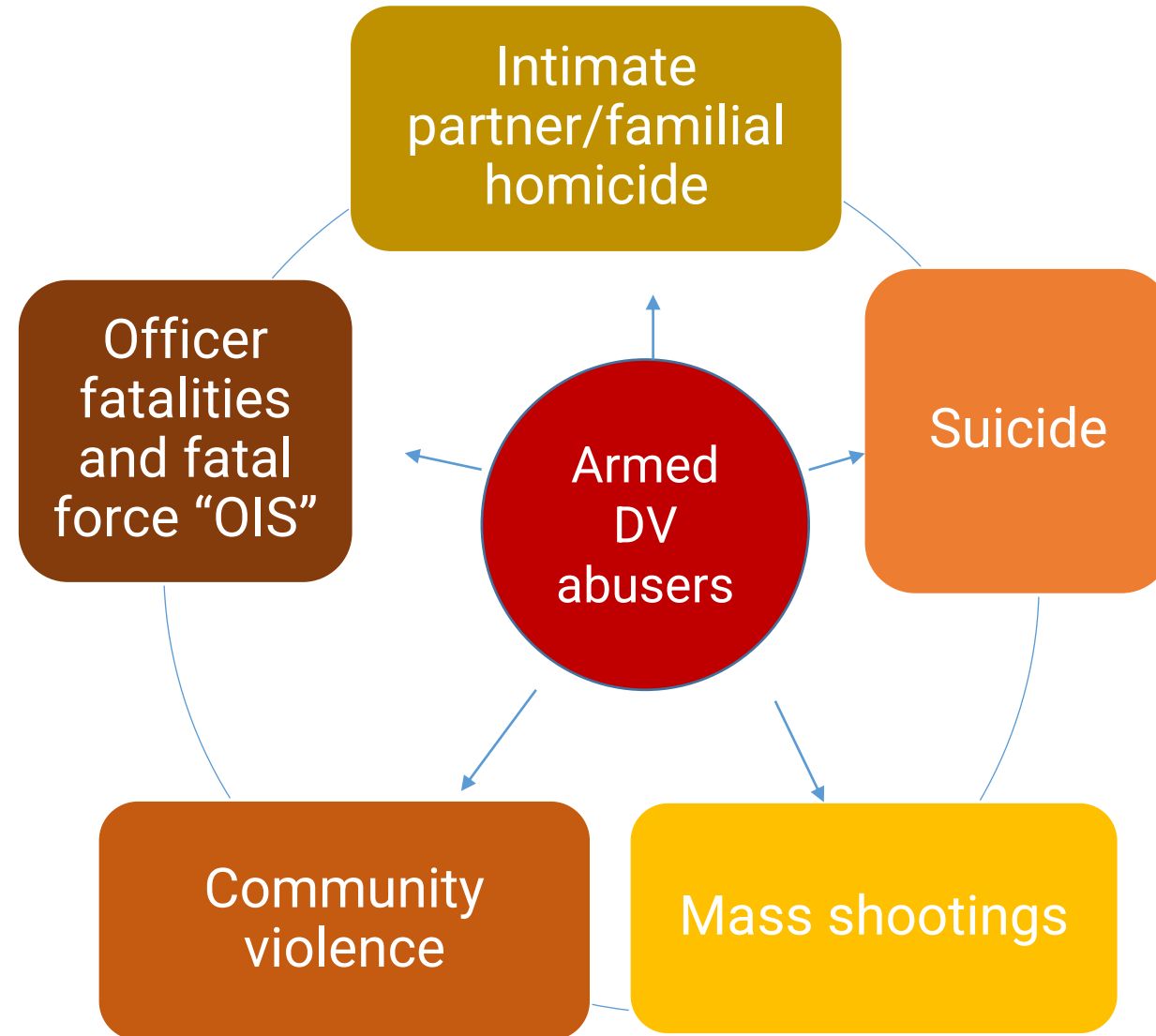
- In **68% of mass shootings** between 2014 and 2019, the shooter either had killed an intimate partner or other family member or had a history of DV
- Between 1996 and 2010, 95% of **law enforcement** officers who were killed while **responding to DV calls were killed with firearms**

Domestic Abusers: Lethal for Law Enforcement

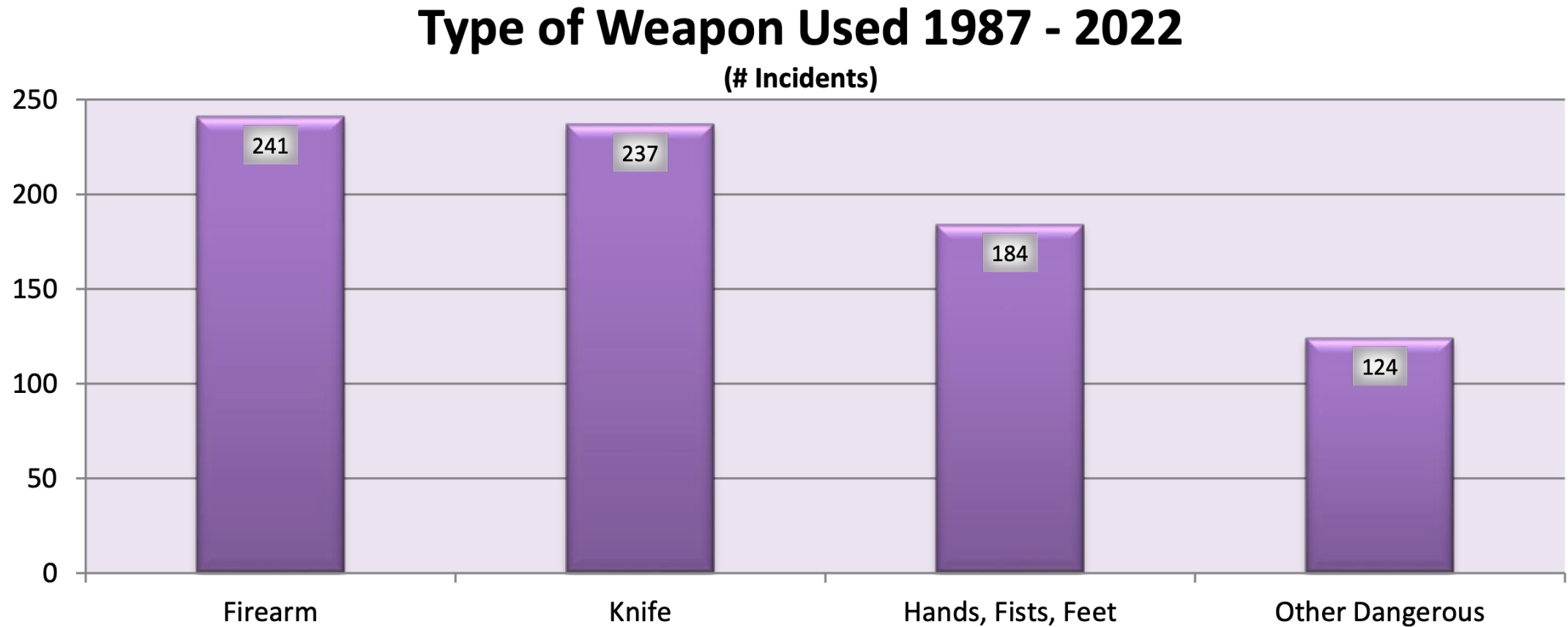
In 2017, according to the National Law Enforcement Officers Memorial Fund, **more officers were shot responding to domestic violence than any other type of firearm-related fatality**

- 1988 to 2016: 136 officers killed while responding to domestic disturbances
- 1988 to 2016: 80 officers killed during a drug-related arrest

The Constellation of Risks of Armed DV Abusers



Domestic Violence Homicides in CT



Connecticut law: Firearms and DV

- **Authority to seize firearms at the scene of a DV incident**
 - For family violence offenses, may seize any firearm or ammunition at the location where the crime is alleged to have been committed that is in the possession of any person arrested for the commission of the crime or suspected of its commission or that is in plain view.
 - Must return the firearm(s) and ammunition not later than seven days after the seizure, unless the person is ineligible to possess a firearm or otherwise ordered by the court

Connecticut law: Firearms and DV

- **Prohibition based on criminal conviction**
 - Unlawful to purchase or possess firearms by:
 - People convicted of any misdemeanor family violence crime committed after October 1, 2023
 - People convicted of certain violent misdemeanors, regardless of the relationship between the victim and perpetrator, including: 1) assault in the third degree; 2) assault of an elderly, blind, disabled or pregnant person or a person with intellectual disability; 3) unlawful restraint; and 4) stalking in the second degree.

Connecticut law: Firearms and DV

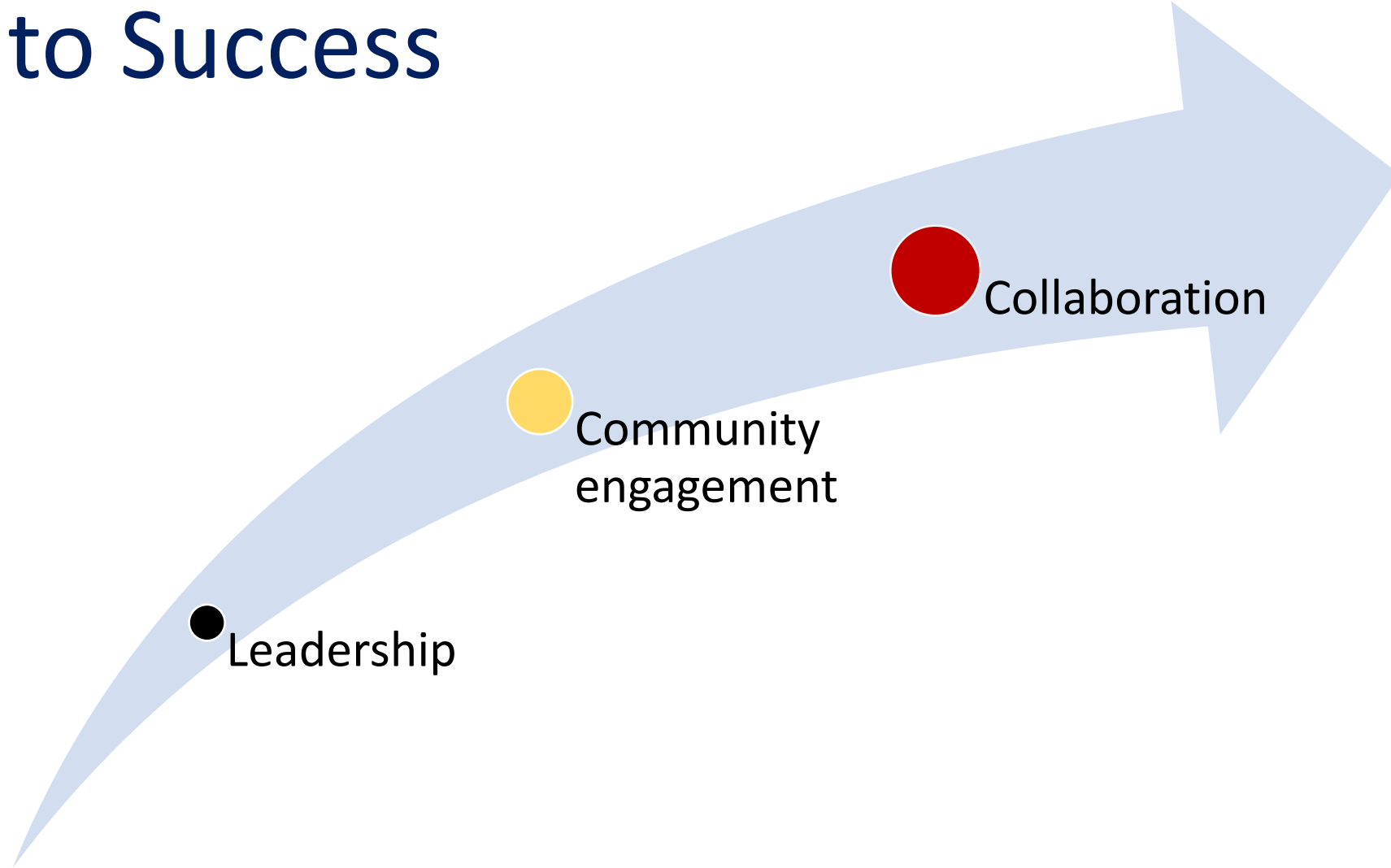
- **Prohibition based on protective/restraining order**
 - Unlawful to possess a firearm by a person who knows that they are subject to a restraining or protective order that was issued after notice has been provided to the person in a case involving the use, attempted use, or threatened use of physical force against another person, or a foreign order of protection in a case involving the use, attempted use or threatened use of physical force against another person
 - Includes an emergency “ex parte” protective order, so long as notice of the order has been provided to the person.

Connecticut law: Firearms and DV

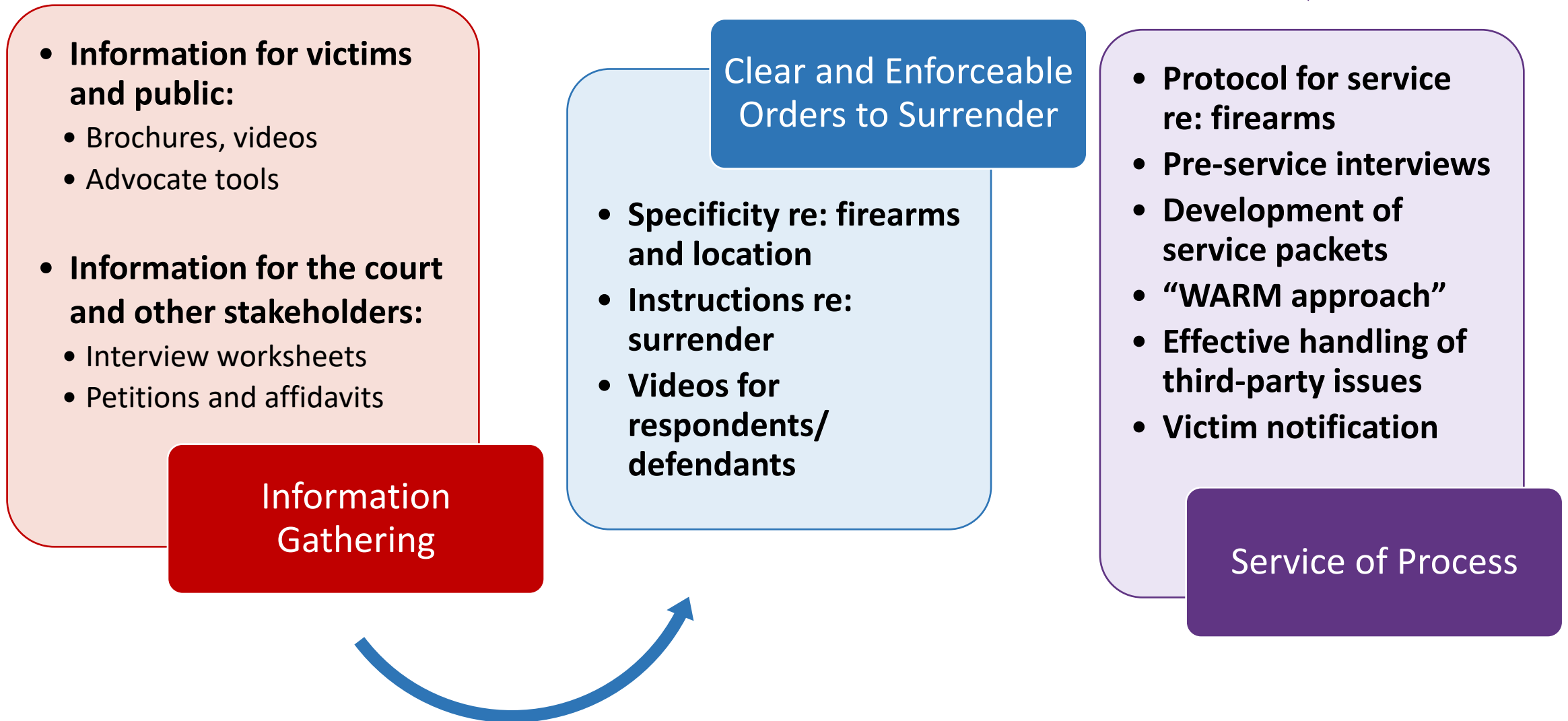
- **Surrender/sale required**

- Within 24 hours of notice of protective order, respondent must sell any firearm or ammunition in his or her possession to a federally licensed firearms dealer or surrender them to a local police department
- The Commissioner of Emergency Services and Public Protection, in conjunction with the Chief State's Attorney and the Connecticut Police Chiefs Association, must develop and maintain a protocol to ensure compliance
- The protocol must include specific instructions for the transfer, delivery or surrender of guns when the assistance of more than one law enforcement agency is necessary to effect these requirements

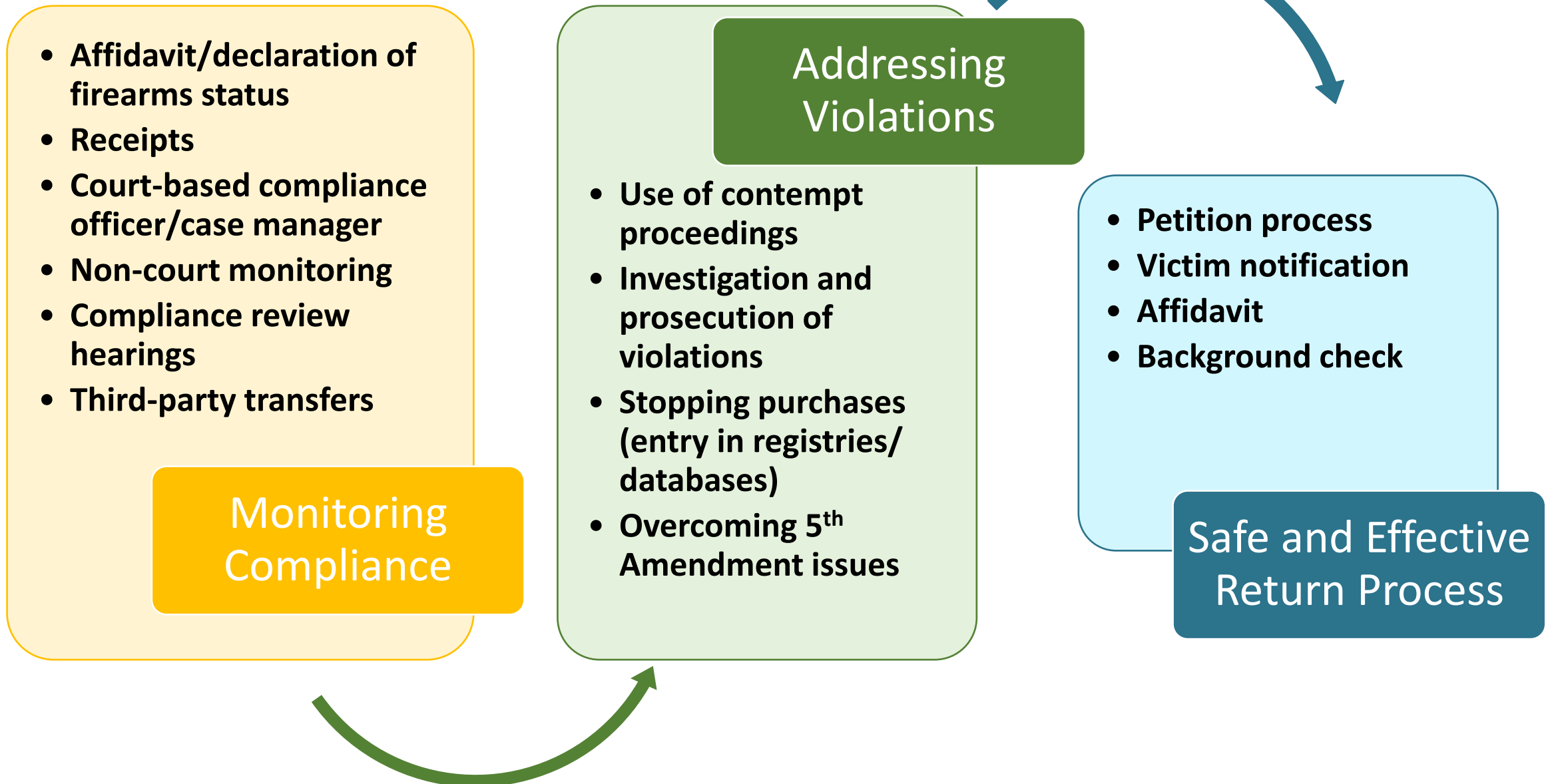
Keys to Success



Components of a Surrender Program



Components of a Surrender Program, Cont.



- **Information for victims and public:**

- Brochures, videos
- Advocate tools

- **Information for the court and other stakeholders:**

- Interview worksheets
- Petitions and affidavits

**Information
Gathering**

STATE OF WISCONSIN, CIRCUIT COURT, _____		COUNTY _____
		<input type="checkbox"/> Amended
_____ Petitioner's Name	Petitioner's Statement of Respondent's Possession of Firearms	
		Case No. _____

(THIS FORM IS OPTIONAL. IF YOU CHOOSE TO USE IT, BRING IT TO THE INJUNCTION HEARING.)

ANSWER THE FOLLOWING QUESTIONS:

1. Do you know whether the respondent in this case currently or in the past six months owned or possessed any firearms?

"Firearm" means a weapon that acts by force of gunpowder to fire a projectile, regardless of whether it is inoperable due to disassembly. (§167.31(1)(c), Wis. Stats.)

☐ NO, I do not know that the respondent now owns or possesses, or during the past six months has owned or possessed, any firearms. *(If you answered no, please continue to signature line.)*

☐ YES, I believe the respondent currently, or within the past six months, owned or possessed a firearm. *(If you answered yes, please continue to Question 2.)*

2. List the firearm(s) that you believe the respondent currently, or within the past six months, has owned or possessed, and the quantity, make or model and location of the firearm(s).

Firearm	Quantity	Make/Model	Serial Number	Location of Firearm(s)

[If you need room for additional firearms, attach additional sheet to this form]

Nevada petition for ex parte protection order

7. **Firearms / Guns.** Does the adverse party own a gun or have a gun in his/her possession or control? ☐ No ☐ Yes ☐ I don't know

If you request an extended order, there will be a hearing where the judge may order the other person to surrender, sell, or transfer any firearm, and may prohibit the other person from having a gun. If the other person needs a gun for work, he / she may be allowed to possess a firearm while on duty. This will be discussed at the hearing for an extended order.

Nevada petition for ex parte protection order

8. **Most Recent Threat / Abuse / Incident.**

*Think about the **most recent** incident. These questions ask about the most recent incident only.*

Approximate date it happened: _____

City / State / Location where it happened: _____

Did the other person use or threaten to use a weapon? (*a weapon can be a gun, a knife, or any object that is used to cause or threaten physical harm*)?

☐ No.

☐ Yes. (*describe what kind of weapon was used or threatened*) _____

Getting the Information: Vermont

Defendant's Access to Firearms

Information regarding known firearms is provided below:

Type of Firearm/Other Deadly Weapon (handgun/rifle/knife; make/model if known)	Location of Firearm/Other Deadly Weapon (e.g., bedroom/vehicle)

If there is not enough **Defendant's Use of Firearms/Other Deadly Weapons**

The defendant ☐ has ☐ has not used, displayed, or threatened to use a firearm or other deadly weapon against me or against another family member.

If so, please describe below: *(Be specific. What did the defendant do? If the firearm or deadly weapon belonged to someone else, how did defendant get it? Where did the incident happen? Who else was there?)*

(attach a separate sheet of paper if necessary)

Getting the Information: Columbus

FIREARMS INFORMATION WORKSHEET

1. DOES THE PERSON FROM WHOM YOU ARE SEEKING PROTECTION OWN, POSSESS, OR HAVE ACCESS TO FIREARMS? ☐ YES ☐ NO ☐ I DON'T KNOW
IF YES, WHAT TYPE(S) _____
2. WHAT IS THE FIREARM USED FOR? (CHECK ALL THAT APPLY)
☐ PROTECTION ☐ EMPLOYMENT ☐ HUNTING ☐ RECREATION ☐ CRIMINAL ACTIVITY
3. DO YOU KNOW WHERE THIS PERSON USUALLY KEEPS THE FIREARMS?
☐ ON PERSON ☐ IN HOUSE ☐ IN CAR ☐ SOME OTHER PLACE _____
4. HOW DID THIS PERSON OBTAIN THE FIREARM(S)?
☐ PURCHASED FROM A LICENSED GUN DEALER
☐ PURCHASED FROM A FRIEND OR RELATIVE OR SWAP MARKET
☐ KEEPING IT FOR A FRIEND/RELATIVE
☐ I DON'T KNOW
5. DOES THIS PERSON HAVE ANY FIREARM LICENSES OR PERMITS?
☐ YES ☐ NO ☐ DON'T KNOW
6. HAVE YOU EVER SEEN THIS PERSON SHOOT THE GUN? ☐ YES ☐ NO
CLEAN THE GUN? ☐ YES ☐ NO
7. DO YOU KNOW WHETHER THIS PERSON IS COURT-ORDERED NOT TO POSSESS A FIREARM? ☐ YES ☐ NO
8. DO YOU KNOW IF THIS PERSON HAS EVER MADE A GENERAL THREAT WITH A GUN?
☐ YES ☐ NO TOWARDS POLICE OR GOVERNMENT AGENCY? ☐ YES ☐ NO
9. HAS THIS PERSON EVER THREATENED TO SHOOT YOU OR SOMEONE ELSE?
☐ YES ☐ NO WHILE HOLDING OR POINTING A FIREARM? ☐ YES ☐ NO
10. HAS THIS PERSON EVER THREATENED TO KILL THEIRSELF USING A FIREARM?
☐ YES ☐ NO

Getting the Information: Columbus

CASE IDENTIFIER _____ DATE _____

Please circle type of firearm and provide location, if known.

This information will be included with the Order filing but not given/shown to the respondent

SEMI-AUTOMATIC HANDGUN



_____ LOCATION _____

REVOLVER



_____ LOCATION _____

SHOTGUN



_____ LOCATION _____

BWJP SAFE Tool

Handguns

Semi-Automatic Handguns



Revolvers



- 1. Smith & Wesson 45
- 3. Smith & Wesson 637 Airweight
- 5. Beretta
- 7. Colt 1908 25ACP Caliber

- 2. Glock
- 4. 9mm Pistol
- 6. Smith & Wesson 637 Magnum

- **Specificity re:
firearms and location**
- **Instructions re:
surrender**
- **Videos for
respondents/
defendants**

**Clear and Enforceable
Orders to Surrender**

Ensuring understanding

15. ☐ **YOU ARE PROHIBITED** from purchasing or otherwise acquiring a **firearm** while this extended order is in effect, pursuant to NRS 33.0305. Violation of this provision is a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$5,000.
16. ☐ **YOU ARE PROHIBITED** from owning a **firearm** or having a **firearm** in your possession, custody, or control while this extended order is in effect, pursuant to NRS 202.360(1)(d). Violation of this provision is a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$5,000.

Ensuring understanding

☐ **YOU ARE ORDERED** to ☐ surrender ☐ sell ☐ transfer all **firearms** in your possession or under your custody or control to (*transferee*)

within 24 hours of service of this order. You must provide a receipt to the court from the transferee no later than 72 hours or 1 business day, whichever is later, after the surrender, sale, or transfer of such **firearm**(s). The receipt shall include the name and address of the transferee and a written description of each such **firearm**. You must contact law enforcement before approaching a law enforcement officer or law enforcement facility when surrendering **firearm**(s).

Order to Surrender Firearms and Notice of Firearm Surrender Hearing Form CV-803

Utilize this form when:

- 1) Respondent appears at hearing, court grants injunction and finds that respondent possesses firearms, and
- 2) Respondent fails to appear at hearing, court grants injunction and finds that respondent possesses firearms.

Completed by: Court

Purpose of Form: Orders the following: respondent to surrender firearms within a specified period of time, no greater than 48 hours; respondent to appear at a firearms surrender hearing, one week after injunction hearing; stays of the injunction and extension of the TRO.

STATE OF WISCONSIN, CIRCUIT COURT, COUNTY

For Official Use

Petitioner

-VS.-

Respondent

Address (City, State, Zip Code)

☐ Amended

Order to Surrender Firearms
and Notice of Firearm
Surrender Hearing

Case No.

THE COURT ORDERS:

1. You must appear at a Firearm Surrender Hearing on: (Hearing shall be held within one week of the injunction hearing.)

Date

Time

Location

Circuit Court Judge/Circuit Court Commissioner

Note: If you request firearm(s) surrender to a third party, both you and the third party must attend the Firearm Surrender Hearing.

2. The injunction granted on [Date] is temporarily stayed until [Date and time, not to exceed 48 hours] at [Time] for purposes of firearm surrender. Any temporary restraining order remains in effect until the stay is lifted.

☐ 3. A temporary restraining order was not previously granted. The court now grants a temporary restraining order prohibiting the respondent from the following conduct: (See CV-403, CV-406, CV-413, CV-429, or JC-1691 for prohibited conduct.)

4. Failure to appear at the hearing may result in the court issuing a warrant for your arrest.

5. You have until [Date and time as listed in #2, not to exceed 48 hours] at [Time] to surrender ALL firearms you own or possess to

☐ the sheriff of this county.

☐ the sheriff of the county in which the respondent resides:

☐ another person. [Name and Address]

☐ the sheriff of County.

If you wish to surrender to a third party, you and the third party must appear at the Firearms Surrender Hearing scheduled above. If the court approves the third party, the third party may obtain the firearm(s) directly from the sheriff.

CV-803, 09/14 Order to Surrender Firearms and Notice of Firearm Surrender Hearing

§813.1285(1g), Wisconsin Statutes

This form shall not be modified. It may be supplemented with additional material.

Page 1 of 2

Order to Surrender Firearms and Notice of Firearm Surrender Hearing

Page 2 of 2

Case No.

6. Your known firearm(s) is/are described as and the serial number(s) of said firearm(s) are listed as follows:

Firearm	Quantity	Make/Model	Serial Number

(If you need room for additional firearms, attach additional sheet to this form)

Additional surrender instructions:

7. Once the stay is complete, the injunction immediately goes into full effect.
Note: Once the injunction is in effect, federal law provides penalties for, and you may be prohibited from possessing, transporting, shipping, receiving, or purchasing a firearm, including, but not limited to, a rifle, shotgun, pistol, revolver, or ammunition, pursuant to 18 U.S.C. Section 922(g)(8). Under Wisconsin law, it is a Class G Felony, punishable by a fine not to exceed \$25,000 or imprisonment not to exceed 10 years, or both, to possess a firearm while subject to an injunction, pursuant to §941.29(2), Wis. Stats.

8. You may possess or transport a firearm(s) only for the purpose of complying with a surrender order. Possessing or transporting a firearm(s) for any other reason may result in criminal penalties.

If you require reasonable accommodations due to a disability to participate in the court process, please call prior to the scheduled court date. Please note that the court does not provide transportation.

BY THE COURT:

☐ Circuit Court Judge ☐ Circuit Court Commissioner

Name Printed or Typed

Date

DISTRIBUTION:
1. Original - Court
2. Petitioner
3. Respondent
4. Law Enforcement
5. Other:

CV-803, 09/14 Order to Surrender Firearms and Notice of Firearm Surrender Hearing

§813.1285(1g), Wisconsin Statutes

This form shall not be modified. It may be supplemented with additional material.

Page 2 of 2

Ensuring understanding: Columbus

INSTRUCTIONS TO RESPONDENTS REGARDING FIREARMS AND DANGEROUS WEAPONS.

Deputy should read this out loud to respondents...

LOOK CAREFULLY AT THE COURT ORDER:

If the Judge or Magistrate has checked the box under section 10 on the Order,

10. DEFENDANT SHALL NOT POSSESS, USE, CARRY, OR OBTAIN ANY DEADLY WEAPON at any time while the Order remains in effect, unless the Defendant is excepted for official use pursuant to 18 U.S.C. 925(a)(1). [NCIC 07]

- ☐ DEFENDANT SHALL TURN OVER ALL DEADLY WEAPONS AND CONCEALED CARRY WEAPON LICENSE in Defendant's possession to the law enforcement agency that serves Defendant with this Order.

THEN YOU MUST TURN OVER ALL WEAPONS IN YOUR POSSESSION AS ORDERED AT THE TIME YOU ARE SERVED WITH THE ORDER OR AS OTHERWISE DIRECTED BY LAW

ENFORCEMENT. If you are in a location or situation where turning over firearms at time of service is not possible:

CALL FRANKLIN COUNTY SHERIFF'S DEPARTMENT @ 614.525.3333 btwn 8:30 a.m. and 3:30 p.m. Press 0 for "Dispatch" and ask for the Civil Unit. The Civil Unit will schedule a time for a Deputy to pick up firearms from your residence or location where firearms are stored.

DO NOT BRING FIREARMS INTO SHERIFF'S OFFICE OR LOCAL POLICE STATION

Firearms include: handguns and pistols; rifles and shotguns; black powder firearms and muzzle-loading firearms; assault weapons; any weapon that sends a projectile through a barrel and the weapon's frame or receiver.

SO LONG AS YOU ARE NOT OTHERWISE LEGALLY PROHIBITED FROM POSSESSING A FIREARM, usually your firearms are held for only the duration of the protection order, after which time they would be returned to you.

IF YOU ARE ALREADY PROHIBITED FROM POSSESSING FIREARMS BECAUSE OF A PRIOR CRIMINAL CONVICTION OR COURT ORDER, then you should consult with your attorney. **HOWEVER**, Consulting with an attorney DOES NOT change your responsibility to fully comply with court orders.

- **Protocol for service re: firearms**
- **Pre-service interviews**
- **Development of service packets**
- **“WARM approach”**
- **Effective handling of third-party issues**
- **Victim notification**

**Service of
Process**

- **Affidavit/declaration of firearms status**
- **Receipts**
- **Court-based compliance officer/case manager**
- **Non-court monitoring**
- **Compliance review hearings**
- **Third-party transfers**

**Monitoring
Compliance**

☐ Amended_____
Petitioner

-VS.-

**Order to Surrender Firearms
and Notice of Firearm
Surrender Hearing**_____
Respondent_____
Address (City, State, Zip Code)_____
Case No. _____**THE COURT ORDERS:**

1. You must appear at a Firearm Surrender Hearing on:
- (Hearing shall be held within one week of the injunction hearing.)*

Date	Time	Location
Circuit Court Judge/Circuit Court Commissioner		

Note: If you request firearm(s) surrender to a third party, both you and the third party must attend the Firearm Surrender Hearing.

2. The injunction granted on [Date] _____ is temporarily stayed until [Date and time, not to exceed 48 hours] _____ at [Time] _____ for purposes of firearm surrender. Any temporary restraining order remains in effect until the stay is lifted.

- ☐ 3. A temporary restraining order was not previously granted. The court now grants a temporary restraining order prohibiting the respondent from the following conduct: (See CV-403, CV-406, CV-413, CV-429, or JC-1691 for prohibited conduct.) _____

4. Failure to appear at the hearing may result in the court issuing a warrant for your arrest.

5. You have until [Date and time as listed in #2, not to exceed 48 hours] _____ at [Time] _____ to surrender ALL firearms you own or possess to

- ☐ the sheriff of this county.
☐ the sheriff of the county in which the respondent resides: _____.
☐ another person. [Name and Address] _____
☐ the sheriff of _____ County.

If you wish to surrender to a third party, you and the third party must appear at the Firearms Surrender Hearing scheduled above. If the court approves the third party, the third party may obtain the firearm(s) directly from the sheriff.

6. Your known firearm(s) is/are described as and the serial number(s) of said firearm(s) are listed as follows:

Firearm	Quantity	Make/Model	Serial Number

[If you need room for additional firearms, attach additional sheet to this form]

Additional surrender instructions: _____



**THE SUPERIOR COURT OF DEKALB COUNTY
FAMILY VIOLENCE INTERVENTION PROGRAM
COMPLIANCE FORM**

Superior Courts
State of Georgia

COUNTY: _____
CASE NO. _____

_____, Respondent

The Respondent above has been adjudged by a lawful protective order issued in the above referenced case on the _____ day of _____, 20____ at _____ am/pm in the DeKalb County Courthouse at 556 N. McDonough Street Decatur, GA 30030, to have violated the Family Violence Act , at O.C.G.A. §19-13-1 et seq., by committing family violence.

RESPONDENT'S SWORN STATEMENT OF POSSESSION OF FIREARMS AND/OR AMMUNITION

Under penalties of perjury, I declare that the facts below are true:

- 1) I am the Respondent in this case. My name is _____,
and my current address is _____

Please answer the following questions:

- 2) Do you now or have you in the past six months before today, owned or possessed, any firearms or ammunition? (*Initial the correct statement.*)

_____NO, I do not currently own or possess any firearms or ammunition and have not owned any firearms or ammunition in the past six months.

_____NO, I do not currently own or possess any firearms or ammunition but I have owned or possessed firearms and ammunition in the past six months.

_____YES, I do currently own or possess a firearm and ammunition. If you answered yes, continue to #3.

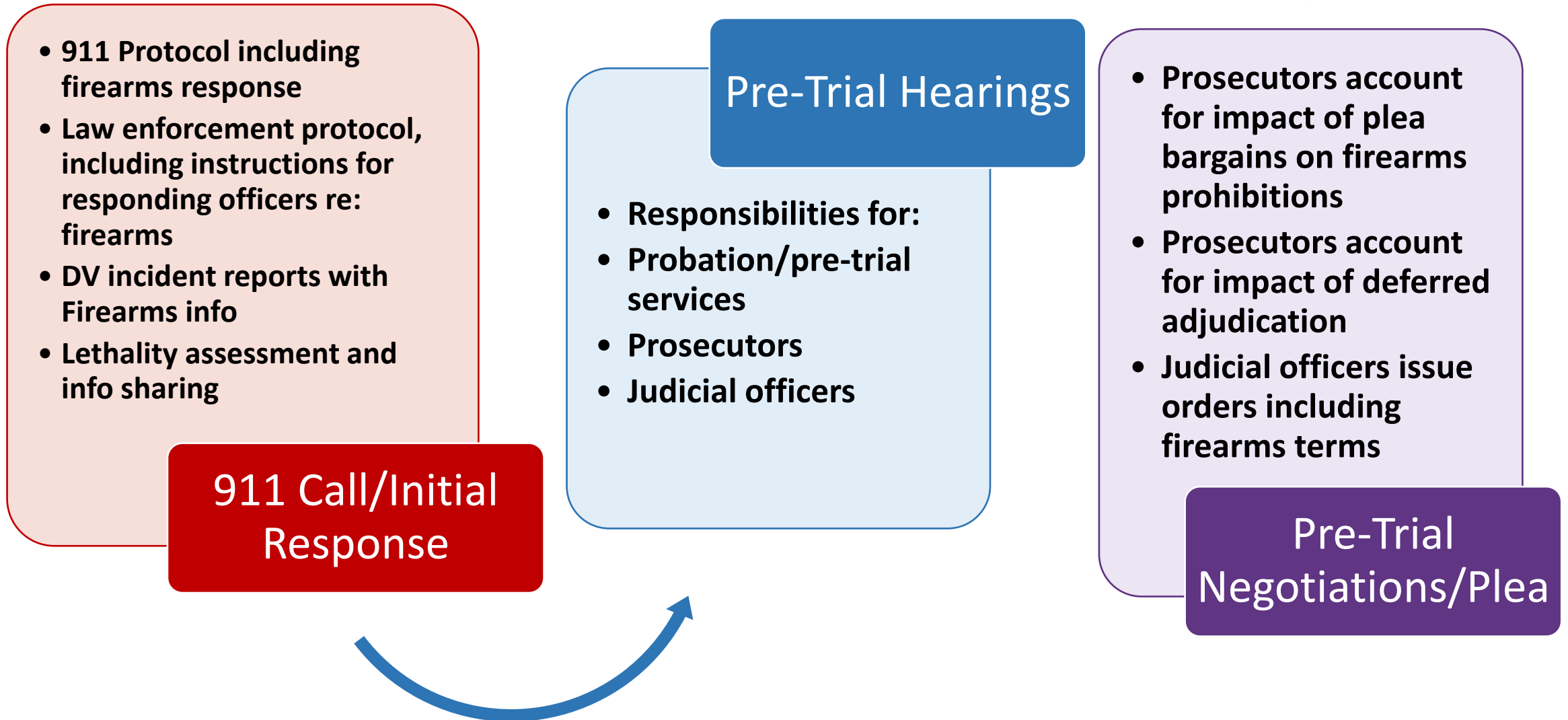
- **Use of contempt proceedings**
- **Investigation and prosecution of violations**
- **Stopping purchases (entry in registries/databases)**
- **Overcoming 5th Amendment issues**

**Addressing
Violations**

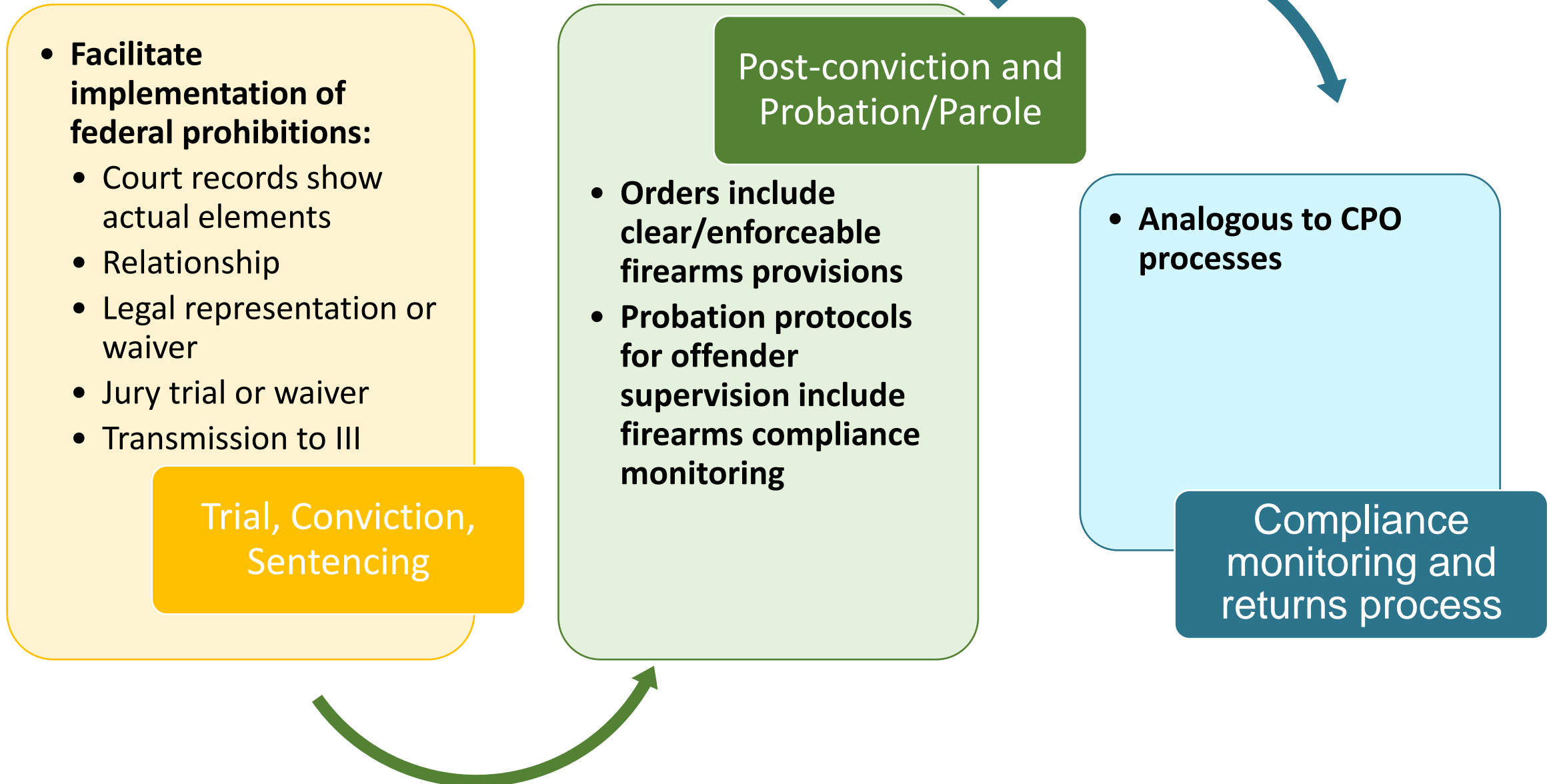
- **Petition process**
- **Victim notification**
- **Affidavit**
- **Background check**

Safe and Effective
Return Process

Components of a Criminal Relinquishment Program



Criminal Relinquishment Program, Cont.



- **911 Protocol including firearms response**
- **Law enforcement protocol, including instructions for responding officers re: firearms**
- **DV incident reports with Firearms info**
- **Lethality assessment and info sharing**

911 Call/Initial Response

911 Call and Initial Response

Domestic Violence Firearms Compliance Program Protocol



STATE OF CONNECTICUT
DEPARTMENT OF EMERGENCY SERVICES AND PUBLIC PROTECTION
DIVISION OF STATE POLICE

Family Violence Offense Report

Submit this form to DESPP only if an arrest was made
(Print or type all entries. See other instructions on the reverse side of this form)

CTL NUMBER-OFFICE USE ONLY

1. Arrest <input type="checkbox"/> Yes <input type="checkbox"/> No	2. Case Number	3. Local PD Name	4. If Zero Reporting, Enter Period Covered (MM/YYYY)	5. Offense Town Code	6. Offense Date	7. Offense Time				
<table style="width: 100%;"><tr><td style="width: 20%;">8. OFFENSE CODES</td><td style="width: 20%;">A. Homicide B. Assault C. Kidnapping D. Sexual Assault</td><td style="width: 20%;">E. Strangulation F. Stalking G. Violation Court Order H. Threatening</td><td style="width: 40%;">I. Risk of Injury J. Breach of Peace/Disorderly Conduct K. Other</td></tr></table>							8. OFFENSE CODES	A. Homicide B. Assault C. Kidnapping D. Sexual Assault	E. Strangulation F. Stalking G. Violation Court Order H. Threatening	I. Risk of Injury J. Breach of Peace/Disorderly Conduct K. Other
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WEAPON CODES			9. Enter the number of weapons used by type:							
A. Firearm C. Other Dangerous Weapon (Specify) _____ B. Knife D. Hands, Fists, Feet, etc.			A. _____ B. _____ C. _____ D. _____							
10. INJURY CODES										
A. Fatal B. Serious Physical Injury C. Minor Physical Injury D. No Apparent Physical Injury										
STATUS CODES *Only when arrested for actual family violence		RELATIONSHIP CODES		E. Persons who are presently living together or have lived together F. Other relative residing in home G. Other relative <i>not</i> residing in home						
V-Victim *O-Offender *B-Both/All		A-Spouse B-Former Spouse C-Persons who have a child in common D-Dating Relationship								
11. STATUS CODES [See above]	12. Last Name	13. First Name	14. MI	15. Sex	16. DOB	17. Relationship Code (enter "V" for victim or "B" for both) [See above]				
					18. Offense Code(s) (assign offense code for "V" for victim or "B" for both) [See box 8]	19. Injury Code(s) (assign injury code for "V" for victim or "B" for both [see box 10])				
					20. Liquor/Drugs Involved (enter for all persons involved)					
					<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unk					
					<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unk					
					<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unk					
					<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unk					
					<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unk					
21. Are there Court Orders of Protection? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, What is the Order Status? <input type="checkbox"/> Active <input type="checkbox"/> Expired										
Check appropriate box for Order Type: <input type="checkbox"/> Protective Order <input type="checkbox"/> Ex-Parte Restraining Order <input type="checkbox"/> Restraining Order after Hearing <input type="checkbox"/> Standing Criminal Protective Order <input type="checkbox"/> Conditions of Release <input type="checkbox"/> Foreign Orders										
22. A child under 18 years old was: <input type="checkbox"/> Involved <input type="checkbox"/> Present <input type="checkbox"/> N/A										
23. Remarks (optional) 										
24. Officer's Name and Rank			25. Badge Number		26. Date of Report					
					27. Supervisor's Signature and Rank					



Suggested components of law enforcement protocols addressing firearms in domestic violence cases

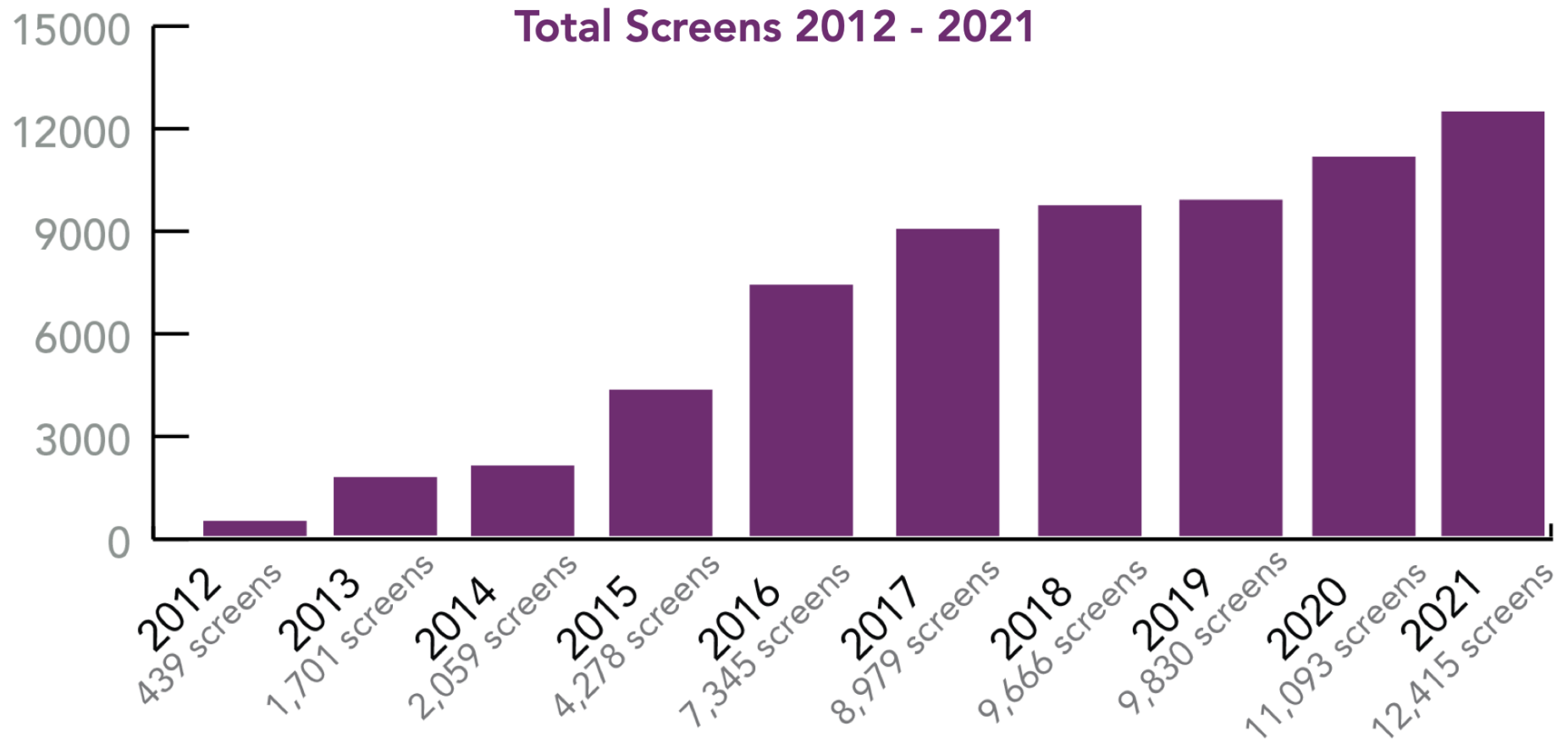
Note: Only firearms-specific provisions are described below (with a few exceptions); effective protocols include significant additional provisions addressing law enforcement

1. Introductory language

- ▶ Description of public health impact and lethality of abusers' access to firearms and rationale for the policy (Snohomish/King, pp. 3-5)
- ▶ Statutory language and explanation of relevant state and federal laws (Many examples)



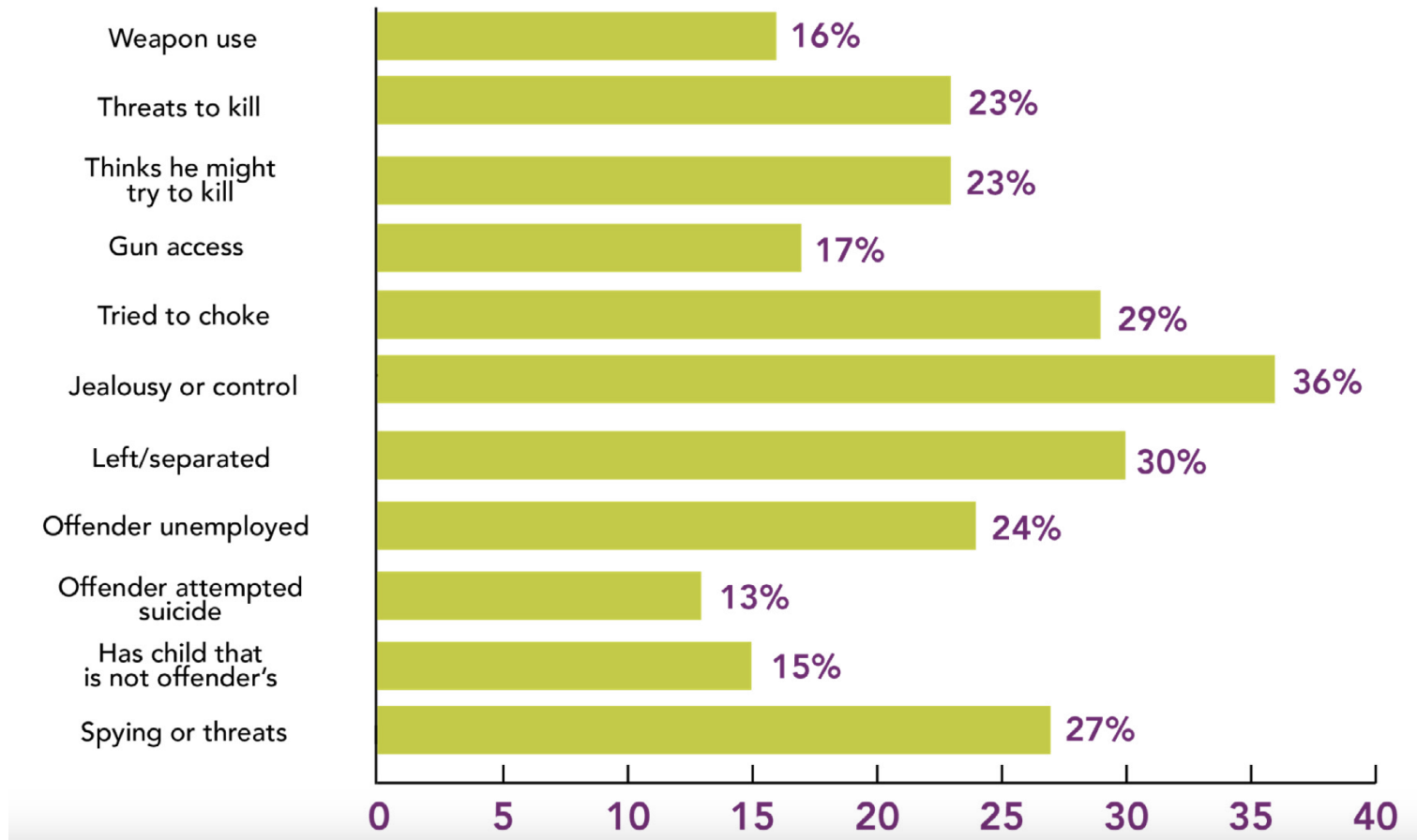
Connecticut LAP Implementation



Connecticut LAP Implementation

11 LAP Risk Factors and Rate of Positive Responses (2020 - 2021)

[n = 21,484 screens]



Pre-Trial Hearings

- **Responsibilities for:**
- **Probation/pre-trial services**
- **Prosecutors**
- **Judicial officers**

Pre-Trial Hearings

- **Probation/court services** ask about firearms ownership/access and incorporate information into bail recommendations
- **Prosecutors** investigate lethality factors and firearm issues, seek an appropriate judicial remedy (e.g., an order to surrender firearms)
- **Judicial officers** exercise all available authority to prohibit possession of firearms and/or order surrender as part of bail orders/conditions of release, criminal no-contact orders, or other pre-trial court orders

Arizona's use of lethality assessments

Arizona Rev. Stat. 13-3967.

A. At his appearance before a judicial officer, any person who is charged with a public offense that is bailable as a matter of right shall be ordered released pending trial on his own recognizance or on the execution of bail in an amount specified by the judicial officer.

B. In determining the method of release or the amount of bail, the judicial officer, on the basis of available information, shall take into account all of the following:

...

5. The results of a risk or lethality assessment in a domestic violence charge that is presented to the court.

- **Prosecutors account for impact of plea bargains on firearms prohibitions**
- **Prosecutors account for impact of deferred adjudication**
- **Judicial officers issue orders including firearms terms**

**Pre-Trial
Negotiations/Plea**

STATE OF INDIANA)
COUNTY OF _____) SS: IN THE _____ COURT _____
(_____ DIVISION, ROOM _____)

STATE OF INDIANA)
)
 vs.) Case Number _____
)
 _____,)
 Defendant)
 (DOB) ____/____/____)
 (Race) ____ (Sex) ____)
 (DL) _____)
 (SSN) _XXX-XX-_____)

**NO CONTACT ORDER UPON AGREEMENT TO WITHHOLD
PROSECUTION/PRETRIAL DIVERSION**

The Defendant appears in person (and by counsel) and the State appears by its Deputy Prosecuting Attorney. The parties have filed an Agreement to Withhold Prosecution with the Court pursuant to IC 33-39-1-8. Under the terms of that pretrial diversion Agreement, the parties have agreed that the Defendant shall have no contact with the alleged victim(s) and/or (a) certain witness(es) in this case. The Court now finds that such an Order is necessary to preserve the safety, peace, and dignity of the community as well as the safety of the alleged victim(s)/witness(es) named herein. The Defendant has been charged with the commission of the crime(s) of _____, a Class ____ misdemeanor/felony. As a condition of the Defendant's pretrial diversion, in addition to all other conditions elsewhere specified:

IDACS Codes:

1. THE DEFENDANT IS ORDERED TO HAVE NO CONTACT WITH:

05

in person, by telephone or letter, through an intermediary, or in any other way, directly or indirectly, except through an attorney of record, while the Defendant is a party to the Agreement to Withhold Prosecution. This includes, but is not limited to, acts of harassment, stalking, intimidation, threats, and physical force of any kind.

2. THE DEFENDANT IS ORDERED TO HAVE NO FIREARMS, DEADLY WEAPONS, OR AMMUNITION IN HIS/HER POSSESSION.

07

- **Facilitate implementation of federal prohibitions:**
 - Court records show actual elements
 - Relationship
 - Legal representation or waiver
 - Jury trial or waiver
 - Transmission to III

Trial, Conviction,
Sentencing

IN THE CIRCUIT COURT OF OREGON
FOR THE COUNTY OF _____

STATE OF OREGON,
Plaintiff,
v.

Case No. _____

**NOTICE AND FINDINGS OF FIREARM
PROHIBITION**

Defendant.

Date of Birth: _____

SID #: _____

MISDEMEANOR CRIME OF DOMESTIC
VIOLENCE

The **MISDEMEANOR CONVICTION** in this case subjects Defendant to prosecution for possession of a firearm or ammunition because:

Relationship: At the time of the crime, Defendant was (*check all that apply*):

- ☐ A family or household member of the victim as defined by ORS 135.230
- ☐ A current or former spouse of victim
- ☐ An unmarried parent of a minor child in common with the victim
- ☐ Cohabiting or previously cohabitated with the victim
- ☐ Currently or previously involved in a sexually intimate relationship with the victim
- ☐ An adult person related by blood or marriage to the adult victim
- ☐ A parent or guardian of the victim

and

Qualifying Conviction: Defendant was convicted of a crime that is a misdemeanor under Oregon law and the crime has, as an element of the offense, the use or attempted use of physical force, or the threatened use of a deadly weapon:

- ☐ Assault (4th degree) – ORS 163.160(1)(a)
- ☐ Strangulation – ORS 163.187
- ☐ Vehicular Assault – ORS 811.060
- ☐ Disorderly Conduct (2nd degree) – ORS 166.025(1)(a)
- ☐ Pointing Firearm at Another – ORS 166.190
- ☐ Harassment – ORS 166.065(1)(a)(A) or ORS 166.065(1)(c)
- ☐ Intimidation (2nd degree) – ORS 166.155(1)(b) or ORS 166.155(1)(c)
- ☐ Sex Abuse (3rd degree) – ORS 163.415(1)(b)
- ☐ Use of Stun Gun, Tear Gas, Mace (2nd degree) – ORS 163.212
- ☐ Attempted Class C Felony or Unclassified Felony – ORS 161.405 _____
- ☐ Reduction of Class C Felony to Misdemeanor – ORS 161.705 _____
- ☐ Other – _____

☐ Attempt of a marked crime above.

NOTICE TO DEFENDANT: Based on this conviction you are subject to a lifetime prohibition for possession of firearms or ammunition. If you possess firearms or ammunition you are subject to prosecution pursuant to ORS 166.255. You may also be subject to federal prosecution for possession, receipt, shipping, transportation, or purchase of firearms or ammunition under 18 USC § 922(g).

Post-conviction and Probation/Parole

- **Orders include clear/enforceable firearms provisions**
- **Probation protocols for offender supervision include firearms compliance monitoring**

_____ Court of Washington, County of _____	
_____ Petitioner	No.: _____
vs.	Order to Surrender and Prohibit Weapons
_____ Defendant/Respondent	<input type="checkbox"/> Issued Without Notice (ORWPN) <input type="checkbox"/> Temporary/Pre-Trial (ORWPNP) <input type="checkbox"/> Final/Post Conviction (ORWPNP) <input type="checkbox"/> Compliance Review Hearing (ORCRH)
	Next Hearing Date/Time: _____ At: _____ _____ (Clerk's Action Required)

Order to Surrender and Prohibit Weapons

1. Restrained Person

This order restrains the defendant/restrained person (*name*) _____
(Restrained Person), based on the findings in the order issued on (*date*) _____

This order replaces all prior *Orders to Surrender and Prohibit Weapons* issued under this case number.

2. Surrender of Weapons

Restrained Person: You must **immediately surrender** all firearms and other dangerous weapons in your possession, custody, or control, to this local law enforcement agency:

You must immediately surrender all firearms and other dangerous weapons subject to this order, including but not limited to the following:

_____	_____
_____	_____
_____	_____

See the attached sheet if there are more to list.

Post-conviction and probation/parole

New York State Model Policy for Domestic Violence Probation Response to Domestic Violence

Offender Contact

Firearm laws

Domestic violence offenders may be subject to various state and federal firearms prohibitions. Firearm laws must be fully enforced and the following action should be taken:

- Notify offender about firearms prohibitions for individuals who are :
 - Subject to qualifying Orders of Protection
 - Convicted of misdemeanor crimes of domestic violence
 - Convicted of a felony or serious offense (e.g. Endangering the Welfare of a Child)
 - Illegal drug users
 - Fugitives from justice
- Describe range of possible consequences for failure to comply
- Complete a *Firearms Prohibitions Notice* (see Appendix A) with the offender. Have offender sign and date the form. Keep the original in the case file and provide a copy to the offender
- Verify firearm surrender, as appropriate
 - Note:** Probation officers who have evidence that offenders may be in violation of federal firearms laws should contact appropriate law enforcement agencies for enforcement and prosecution
- Employ search orders and search conditions to facilitate confiscation during home inspections, car searches and other site-specific searches

- **Analogous to CPO processes**

**Compliance
monitoring and
returns process**

Questions and Discussion

Additional Resources

- *Suggested Components of Law Enforcement Protocols Addressing Firearms in Domestic Violence Cases*, <https://bit.ly/leprotocols>
- *Firearms and Civil Protection Orders: Answers to Judges' Frequently Asked Questions*, <https://bit.ly/firearmsfaq>
- *Spotlight on Promising Practices Around Civil Protection Orders: DeKalb County Compliance Review Docket*, <https://bit.ly/CPOTSpotlight>
- *Moving Beyond the "Honor System": Strategies to Prevent Prohibited Abusers' Access to Firearms*, <https://bit.ly/honorsystemfirearms> (webinar)
- *Compliance Monitoring in Civil Order of Protection Cases*, <https://bit.ly/complianceincpo> (webinar)

For Additional Technical Assistance

- National Council of Juvenile and Family Court Judges - www.ncjfcj.org
 - Darren Mitchell, NCJFCJ Fellow, dmitchell@ncjfcj.org

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